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U.S. EPA. REGION IX
REGIONAL HEARING CLERK

June 2, 2008

Regional Hearing Clerk
Mail Code: ORC-1
USEPA – Region 9
75 Hawthorne Street
San Francisco, California 94105

Re: RCRA-09-2008-0010

Dear Regional Hearing Clerk:

The purpose of this letter is to request a hearing in reference to the above docket number.

We request a hearing regarding the following paragraphs:

21. We deny this allegation. Waste was being added to the containers when open.
22. Deny. The containers are allowed to be open when adding to them.
26. Deny. There are no arrangements with said agencies, and, therefore, cannot be included in a contingency plan.
27. Deny. We used the "UP" Consolidated Contingency Plan as provided by the Los Angeles County Fire Department who is the authorized agency under the unified program. We listed 24-hour telephone numbers as requested. It is impossible for a small business to recognize that one agency (LAFD) who presents their program as a "unified program" is lying and setting the company up to fail a future inspection by another agency which is supposedly covered by the unified program.
28. Deny. The equipment is listed and locations detailed in the Contingency Plan.
29. Deny. Based on the above, we were not in violation.
32. Deny. All containers were perfectly accessible.

- 33. Deny. Repeated inspections by Fire officials have praised our methods of storage. A small business has no reason to doubt the emergency responders, and it is unreasonable to expect a small business to not trust these experts.
- 34. Deny. We were never asked to demonstrate that the space was not required.
- 35. Deny. Based on the above, we should not be considered in violation. A notice to comply is reasonable, but a violation is not.
- 42. Deny. Massively overstates our waste generation.
- 44. Deny. Waste is not generated continuously.
- 48. Deny. All drums holding flammable materials had labels detailing the flammable (and other health) characteristics of the materials enclosed.
- 49. Deny. All containers of RCRA waste had creation dates on the labeling.
- 50. Deny. Based on above.
- 56. Deny. Material was being added to said containers, and, therefore, there was no violation.
- 57. Deny. There was no risk of human or environmental exposure to waste materials. The Contingency Plan was complete according to the "Unified Program."
- 59. Deny. The alleged violation has little or no effect on statutory or regulatory purposes. Upon notification from the EPA that the waste should be moved out more rapidly, the behavior has changed. Waste has been sent out within 90 days of its generation ever since said notification was received. Items G and H are false.
- 60. Deny. There is no evidence of risk to human health and environment. All unacceptable behavior was immediately corrected. All waste materials were clearly protected and stored safely.
- 61. Deny. Requested penalty is excessive and abusive. It is only requested because we did not accept the original EPA offer of less than \$70,000 in total. The method of threats and intimidation is unacceptable and against the intention of

regulations, which require negotiation where it makes sense. Government officials shall not increase penalties simply with the purpose of protecting their reputation.

62. Deny. The EPA already has access to all hazardous waste manifests. Additional reporting is excessively burdensome and unnecessary.

Please schedule a hearing regarding the above matters.

Best regards,

JOHNSON LAMINATING & COATING, INC.

A handwritten signature in blue ink, appearing to read "Scott Davidson", written in a cursive style.

SCOTT DAVIDSON
President

SD/dc